

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

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By ECF and Email

Honorable Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States v. Frankie Perez
08 CR 798 (DLC)**

Dear Judge Cote:

I write again to update the Court on Mr. Perez's release status, and to request that the Court recommend to the MCC that the BOP transfer Mr. Perez to a Residential Reentry Center (RRC) on May 26, 2020 as previously scheduled, or in the alternative that he be released on May 26, 2020 to home confinement at his mother's home.

On April 6, 2009, the Court sentenced Mr. Perez to a term of 168 months. Mr. Perez is scheduled to finish this sentence on September 11, 2020. Only three and one half months of the 16-year sentence remain.

Pursuant to 18 U.S.C. §3624(c), "The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility." The BOP's authority under § 3624(c)(2) may also be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

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Until December 2019, Mr. Perez had been serving his sentence at Fort Dix in New Jersey. He was assigned a probation officer in New Jersey, where he will reside with his mother upon release from custody. The probation officer verified his release plan and communicated this information to the BOP. Mr. Perez was advised that he would be transferred to an RRC sometime in March, which would be approximately six months in advance of the completion of his sentence.

Mr. Perez had the misfortune of being transferred to the MCC not long before the gun-search lockdown and the COVID-19 pandemic which appears to have caused delays in the process of transfer. Rather than transfer within 6 months of release, Mr. Perez was told in early May that he would finally be transferred to the RRC on May 26, 2020.

Mr. Perez's family made arrangements to meet him next Tuesday at the MCC and his probation officer in New Jersey has been advised of the May 26, 2020 release date. Today, I received an email from MCC as follows: "Unfortunately, due to the closure of one of the RRCs his placement was moved to June 3. He will be notified today."

This is both cruel and unwise. Having served almost all of his 14 years, the last several months of which under inhumane and dangerous conditions, Mr. Perez was finally able to see a light at the end of the tunnel - 4 days from today.

Further delay of Mr. Perez's release to a half-way house or home-confinement denies Mr. Perez "a reasonable opportunity to adjust to and prepare for [his] reentry . . . into the community." Such an opportunity is particularly important given the length of Mr. Perez's sentence. At MCC right now, Mr. Perez cannot participate in any programming (vocational, educational, mental health) to prepare him for reentry. He cannot secure vital identification documents or obtain medical insurance. If it is not practicable due to closure of an RRC to release him on May 26, 2020 to an RRC, the BOP should release him to home confinement. This is the right thing to do both for Mr. Perez's well-being, and to promote public safety.

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In light of the length of time Mr. Perez has already served, his need to prepare for reentry to the community, and the current conditions at MCC, I ask the Court to recommend that Mr. Perez be released from MCC on May 26, 2020 either to an RRC or to home confinement.

Respectfully submitted,

/s/

Jennifer L. Brown
Attorney-in-Charge
Federal Defenders of New York
(212) 417-8722

cc: Kedar Bhatia, Esq. (by email)